

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

ROBERT LUPO

Debtor.

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) **Chapter 11**
) **Case Nos. 09-21945-WCH**
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**MOTION TO APPROVE AGREED ORDER ON MOTION FOR INTERIM AND
PERMANENT USE OF CASH COLLATERAL, GRANTING OF ADEQUATE
PROTECTION, AND ADDITIONAL RELIEF AND MOTION FOR CONTINUED USE
OF CASH COLLATERAL ON MODIFIED TERMS**

Robert Lupo, the debtor in the above captioned case (the “Debtor”), respectfully requests that this Court enter the attached Agreed Order on Motion for Interim and Permanent Use of Cash Collateral, Granting of Adequate Protection, and Additional Relief and Motion for Continued Use of Cash Collateral on Modified Terms (the “Agreed Order”). In support thereof, the Debtor states as follows:

1. On December 10, 2009 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Massachusetts (the “Court”).

2. No trustee or examiner has been appointed, and no official committee of unsecured creditors has yet been appointed in the case. The Debtor continues to operate his business and manage his property as a debtor-in-possession pursuant to sections 1107 and 1108 of the Bankruptcy Code.

3. Motions for relief from the automatic stay were previously filed by Deutsche Bank, Wells Fargo, and SunTrust Mortgage (the “Movants”) and are presently scheduled for hearing on June 29, 2010 at 9:30 a.m.

4. On or about March 31, 2010, the Debtor entered into an agreed order (the “First Order”) for adequate protection with the Movants, as well as BAC Home Loans Servicing, America’s Servicing Company, and Bank of America (collectively, the “Lenders”). The First Order provided for monthly adequate protection payments to the Lenders as to six real properties in which the Debtor maintained an interest. The First Order spanned a period of three months and was scheduled to expire on June 29, 2010.

5. By this motion, the Debtor seeks to extend the terms of the First Order with the Lenders as set forth in the Agreed Order, attached hereto as Exhibit “A”. The Agreed Order continues the First Order on the same terms and conditions for an additional three month period and further provides for a continuance of the motions for relief from stay, presently scheduled for June 29, 2010, for an additional three month period.

6. Approval of this motion and entry of the Agreed Order will dispense consensually with several of the matters scheduled for hearing on June 29, 2010. Good cause exists for entry of the requested relief.

Wherefore, the Debtor prays that this Court:

1. Enter the Agreed Order for the reasons set forth herein; and
2. Grant such other relief as is just and proper.

ROBERT N. LUPO,

By his counsel,

Dated: June 22, 2010

/s/ Andrew G. Lizotte
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